

JAN 13 2004

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BLAKELY
SOKOLOFF
TAYLOR &
ZAFMAN LLP

3200 Park Center Drive, Suite 700
 Costa Mesa, California 92626-7149
 Telephone: (714) 557-3800
 Facsimile: (714) 557-3347

FACSIMILE TRANSMITTAL SHEET

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Deliver To: Attn: Office of Petitions
Company: U.S. Patent and Trademark Office
Facsimile: (703) 872-9306
From: Roger W. Blakely, Jr.
Date: January 13, 2004
Number of Pages: 7 **(Including Cover Sheet)**
Operator: Jessica Clark
Our Reference: 5281P006

SUBJECT: U.S. Patent Application No. 09/922,019

REMARKS: Attached is a copy of our Petition mailed July 2, 2003 and received by the PTO on July 7, 2003. A copy of our date-stamped return postcard has also been included.

Our records indicate that this Petition has not yet been addressed and PAIR does not reflect that it has been entered into the system.

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CONFIDENTIALITY NOTE: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

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Application No.: 09/922,019 Filing Date: 8/2/2001Docket #: 005281.P006Date Mailed: 07/02/2003 Due Date(s): _____Atty/Sec: RWB/mnsClient: 4D CONNECT, INC.Title: METHOD AND APPARATUS TO REMOVE EFFECTS OF I-Q IMBALANCES OF QUADRATURE MODULATORS AND DEMODULATORS IN A MULTI-CARRIERFirst Named Inventor: Jian GuThe following has been received in the U.S.P.T.O. on the date stamped hereon:

Certificate of Mailing

Fee Transmittal (original & copy)

Transmittal Letter

Request for Withdrawal of Petition for Revival (Request for Refund) 2 pgs.

Postcard

Assignee: 4D Connect, Inc.



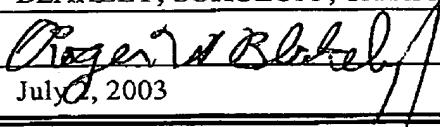
TRANSMITTAL FORM		Application No.	09/922,019
<i>(to be used for all correspondence after initial filing)</i>		Filing Date	August 2, 2001
		First Named Inventor	Jian Gu
		Group Art Unit	2631
		Examiner Name	Unknown
Total Number of Pages in This Submission	5	Attorney Docket Number	5281P006

ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	<div style="border: 1px solid black; padding: 5px; min-height: 100px; width: 100%;">Request for Withdrawal of Petition for Revival (Request for Refund) 2 pgs.</div>	
				<input type="checkbox"/>
Remarks				

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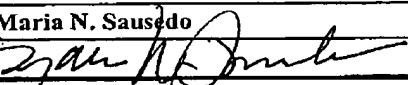
JAN 14 2004

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**OFFICE OF PETITIONS**

Firm or Individual name	Roger W. Blakely, Jr., Reg. No. 25,831 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP		
Signature			
Date	July 2, 2003		

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Maria N. Sausdo		
Signature		Date	July 2, 2003

Based on PTO/SB/21 (05-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 05/02/2003.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT **(\$)**

Complete if Known	
Application Number	09/922,019
Filing Date	August 2, 2001
First Named Inventor	Jian Gu
Examiner Name	Unknown
Group/Art Unit	2631
Attorney Docket No.	5281P006

METHOD OF PAYMENT (check one)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$)			

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
		20*	=	
		3	=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	8	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple Dependent claim, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$)			

**or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	55 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	410	2252	205 Extension for reply within second month
1253	930	2253	465 Extension for reply within third month
1254	1,450	2254	725 Extension for reply within fourth month
1255	1,970	2255	985 Extension for reply within fifth month
1404	320	2401	160 Notice of Appeal
1402	320	2402	160 Filing a brief in support of an appeal
1403	280	2403	140 Request for oral hearing
1451	1,510	2451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive - unavoidable
1453	1,300	2453	650 Petition to revive - unintentional
1501	1,300	2501	650 Utility issue fee (or reissue)
1502	470	2502	235 Design issue fee
1503	630	2503	315 Plant issue fee
1480	130	2480	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	750	1809	375 Filing a submission after final rejection (37 CFR § 1.129(a))
1810	750	2810	375 For each additional invention to be examined (37 CFR § 1.129(b))
1801	750	2801	375 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify)			
SUBTOTAL (3)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$)**

SUBMITTED BY

Name (Print/Type)	Roger W. Blakely, Jr.	Registration No. (Attorney/Agent)	25,831	Telephone	(714) 557-3800
Signature	<i>Roger W. Blakely</i>			Date	07/02/03

Based on PTO/SB/17 (01-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w) 07/02/2003.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN

A LIMITED LIABILITY PARTNERSHIP INCLUDING LAW CORPORATIONS

TELEPHONE (714) 557-3800

FACSIMILE (714) 557-3347

BSTZ_MAIL@BSTZ.COM
WWW.BSTZ.COM

INTELLECTUAL PROPERTY LAW

3200 PARK CENTER DRIVE
SUITE 700
COSTA MESA, CALIFORNIA 92626-7149

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July 2, 2003

Commissioner for Patents
M/S Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

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JAN 14 2004

OFFICE OF PETITIONS

Re: U.S. Patent Application No.: 09/922,019
Docket No.: 005281.P006
REQUEST FOR WITHDRAWAL OF PETITION FOR REVIVAL
(REQUEST FOR REFUND)

Dear Sir/Madam:

On or around April 11, 2003, a Pre-OG Notice was circulated by the United States Patent and Trademark Office (USPTO). The Pre-OG Notice provided suggested guidelines for complying with the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv). Since then, the USPTO has issued a revised Pre-OG Notice, which clarifies the USPTO's interpretation of the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv). The revised Pre-OG Notice supercedes the Pre-OG Notice of April 11, 2003.

As stated in the revised Pre-OG Notice of June 5, 2003, if an applicant makes a non-publication request under 35 U.S.C. § 122(b)(2)(B)(i) and then rescinds (pursuant to 35 U.S.C. § 122(b)(2)(B)(ii)) the non-publication request before or on the date a counterpart application is filed in an eighteen-month publication country, the non-publication request will be treated as annulled, and the application will be treated as if the non-publication request had never been made. Thus, when a rescission of the non-publication request is timely filed, no notice of foreign filing is required under 35 U.S.C. § 122(b)(2)(B)(iii).

In the above-identified application, a Petition for Revival was previously filed according to guidelines set forth in the Pre-OG Notice of April 11, 2003. Based on the clarified provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), the Petition for Revival is now unnecessary because the rescission of the non-publication request for the above-identified

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
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July 2, 2003
005281.P006
Page 2

application was timely filed before or on the date a counterpart application was filed in an eighteen-month publication country.

Hence, applicant respectfully requests that the previously filed Petition for Revival for the above-identified application be withdrawn. Moreover, in accordance with 37 C.F.R. § 26, applicant respectfully requests a refund for all petition fees paid. These petition fees were paid based on a USPTO mistake. The amount of the refund is \$650.00

The undersigned attorney respectfully requests that the refund be credited to our Deposit Account No. 02-2666, with an acknowledgement of the same mailed to the attorney listed below.

If there are any questions regarding this matter, please contact the undersigned attorney immediately.

Sincerely,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP


ROGER W. BLAKELY, JR.

RWB/mns

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